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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 11 2005 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK, CENTRAL ISLIP PART

LONG ISLAND OFFICE

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DERRICK TRENT and BEVERLY TRENT, his wife,

CV 04 0061

Plaintiffs,

**ORDER OF DISMISSAL**

-against-

KMART HOLDINGS CORPORATION d/b/a KMART  
d/b/a Big "K", Mark "Doe", Jason "Doe" and "John Doe",  
the latter Being and intended to be agents, servants  
and/or employees of the defendant KMART who  
participated in the attack upon plaintiff described herein,  
said names being fictitious, their true names being  
presently being unknown to plaintiff,

WEXLER, J.

ORENSTEIN, J. M.

Defendants.  
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Upon the recommendation of Magistrate Judge James Orenstein and the consent of the  
plaintiff it is hereby,

ORDERED that this action be and the same is hereby dismissed for lack of subject matter  
jurisdiction pursuant to Rule 12(h)(3) of Federal Rules of Civil Procedure and it is further,

ORDERED that the Federal Civil Rights Cause of Action herein be dismissed without  
costs.

*SO ORDERED*

LEONARD D. WEXLER  
Sr. Judge, United States District Court

*CENTRAL ISLIP, NY  
5/11/05*